

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Case No. \_\_\_\_\_

Plaintiff,

v.

\$20,000 IN U.S. CURRENCY,

Defendant.

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

The plaintiff, United States of America, through its attorneys Andrew M. Luger, United States Attorney for the District of Minnesota, and Craig R. Baune, Assistant United States Attorney, in a civil cause of action for forfeiture, alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

**NATURE OF THE ACTION**

1. This is an action to forfeit and condemn to the use and benefit of the United States of America \$20,000 in U.S. Currency for violations of 21 U.S.C. § 841 *et. seq.*

**THE DEFENDANT *IN REM***

2. The defendant *in rem* is \$20,000 in U.S. Currency (“the Defendant Property”) seized from a 2017 white Honda Accord bearing Minnesota license plate JTV692 on November 18, 2022. The Defendant Property is in the custody of the United States Marshals Service.

## **JURISDICTION AND VENUE**

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the Defendant Property under 28 U.S.C. § 1355(b). Upon the filing of this Complaint, the Plaintiff requests that the Clerk of Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b)(i), which the Plaintiff will execute upon the Defendant Property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

5. Venue is proper in the District of Minnesota pursuant to 28 U.S.C. § 1355(b)(1) because acts or omissions giving rise to the forfeiture occurred in this District, and pursuant to 28 U.S.C. § 1395 because the Defendant Property is located in this District.

## **FACTS**

6. On November 17, 2022, a Drug Enforcement Administration (DEA) Minneapolis/St. Paul District Office (MSPDO) Task Force Officer (TFO) Amber Roth initiated a surveillance operation for Enrique De La Cruz.

7. Enrique De La Cruz had paid for and made a few last minute, one-way reservations with Juan Juarez-Pena, who was the target of an ongoing narcotics investigation. Late at night on November 16, 2022, De La Cruz and Juarez-Pena flew into the Minneapolis/St. Paul International Airport from San Francisco, California.

8. About midnight, De La Cruz checked into a hotel near the airport in Bloomington, Minnesota. TFO Roth is familiar with the hotel as a location of drug activity.

TFO Roth confirmed with hotel staff that De La Cruz booked room 402 for three nights (November 16-18) and he checked in registering with the room a 2017 white Honda Accord bearing Minnesota license plate JTV692.

9. In the early morning hours of November 18, 2022, TFO Roth requested TFO Irvin and his K9 partner Zippo to conduct an open air narcotics sniff of the registered Honda Accord vehicle parked outside the hotel. Zippo gave a positive alert to the odor of narcotics emanating from the vehicle.

10. Thereafter, law enforcement officers-maintained surveillance of De La Cruz and the vehicle. De La Cruz traveled from Bloomington, Minnesota to Rochester, Minnesota and briefly met with an individual. Investigators observed the individual get into De La Cruz's vehicle with a white plastic bag before exiting the vehicle without the bag shortly thereafter.

11. It is common practice for individuals trafficking narcotics and narcotics proceeds to meet for short periods of time with people inside of a vehicle to avoid law enforcement detection and conduct their business privately.

12. Based on the suspected narcotics transaction, Minnesota State Patrol stopped the vehicle as it travelled back north toward Bloomington. Trooper Rauenhorst utilized his narcotics trained K-9 to complete a sniff outside of De La Cruz's vehicle. This second K9 also gave a positive alert to the odor of narcotics. Trooper Rauenhorst searched the vehicle and found under the front passenger seat two white plastic gas station bags containing four rubber-banded bundles of U.S. Currency.

13. No narcotics were found in the vehicle, but a K-9 gave a positive alert to the presence of narcotics emanating directly from the money and an ION scan was conducted which yielded a positive result for cocaine.

14. Also on November 18, 2022, Bloomington Police executed a search warrant on room 402, registered to De La Cruz. Juarez-Pena was arrested for possession of cocaine.

#### **BASIS FOR FORFEITURE**

15. The defendant \$20,000 in U.S. Currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it was furnished or intended to be furnished in exchange for a controlled substance, constitutes proceeds traceable to such an exchange, or was used or intended to be used to facilitate a violation of the Controlled Substances Act.

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### CLAIM FOR RELIEF

16. The plaintiff requests that the Court issue a warrant for the arrest and seizure of the Defendant in rem, that notice of this action be given to all persons who reasonably appear to be potential claimants of interests in the Defendant in rem, that the Defendant in rem be forfeited and condemned to the United States of America, that the plaintiff be awarded its costs and disbursements in this action, and for such other and further relief as this Court deems proper and just.

Dated: 7/29/2024

ANDREW M. LUGER  
United States Attorney

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### VERIFICATION

I, Michael H. Cohen , verify and declare under penalty of perjury as follows:

I am a Special Agent with the U.S. Drug Enforcement Administration (“DEA”). I have been a Special Agent since 2015. Over 9 years, I have had significant experience with narcotics interdiction. I have read the foregoing Verified Complaint *In Rem* and know the contents thereof, and the matters contained in the Verified Complaint are true to my own knowledge, except that those matters not within my knowledge are alleged on information and belief, and I believe those matters to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information provided to me by other law enforcement agencies and Officers, and information I have learned by reviewing reports prepared by other law enforcement agencies and Officers, as well as my investigation of this case, together with others, as a DEA Special Agent.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated: 7/26/2024

s/Michael Cohen  
MICHAEL H. COHEN  
Special Agent  
U.S. Drug Enforcement  
Administration